

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRIAN DAVID MATTHEWS,  
Plaintiff,  
v.  
JOSEPH LEHMAN, et al.,  
Defendants

Case No. C07-5376RJB

## ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable J. Kelley Arnold, United States Magistrate Judge (Dkt. 90). The Court having considered the Report and Recommendation, the plaintiff's failure to file objections, and the remaining record, does hereby find and order:

- (1) The Court adopts the Report and Recommendation (Dkt. 90);
- (2) Plaintiff's motion for default (Dkt. 86) is **DENIED**; and
- (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants, and to Judge J. Kelley Arnold.

DATED this 1<sup>st</sup> day of October, 2008.

Robert J. Bryan  
Robert J. Bryan  
United States District Judge

## ORDER